CVILLE PLANS TOGETHER

Executive Summary

Module 3 of the Zoning Rewrite

May 2023 Draft

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Zoning Rewrite Overview

- **"Zoning" refers to the regulations that govern the development of buildings and use of land.**
  - It ensures that we construct buildings and use land in ways that promote positive outcomes for the community.
  - The adopted Comprehensive Plan, Affordable Housing Plan, and Small Area Plans lay out the long-term vision and policy goals for the city. Through regulation of development, the Zoning Ordinance is one of the primary tools to implement the visions and goals of these plans.
- **When we say we are "rewriting the zoning ordinance" we mean that we are examining all pieces of the zoning ordinance to ensure that:**
  - 1: The Zoning Ordinance supports the Comprehensive Plan (including the Future Land Use Map) and other adopted plans, such as Small Area Plans and the Affordable Housing Plan.
  - 2: We mitigate the flaws and barriers to development previously identified by City planning staff, elected and appointed officials, and community members.
  - 3: The new zoning will be easier to read and apply for everyone involved.
- **Some sections of the Zoning Ordinance are being completely re-written while other sections may adapt or utilize text from the current Zoning Ordinance.**

Learn More

- **View all Module 1, 2, and 3 materials at** cvilleplanstogether.com/draft-zoning/
- **View "Zoning 101" resources to learn more about the purpose of zoning and this rewrite:** Cville Plans Together website (cvilleplanstogether.com/zoning-plan/)
- **View the Affordable Housing Plan**: Cville Plans Together website (cvilleplanstogether.com/affordable-housing-plan/)
- For more information about the general approach to the zoning rewrite, you may wish to review two documents shared with the Charlottesville community in summer 2022:
  - Zoning Diagnostic + Approach Report (finalized in fall 2022)
  - Draft Inclusionary Zoning Analysis & Recommendations

Module Overview

- The new Zoning Ordinance is being drafted in three "Modules," which are pieces of the draft zoning. The topics covered in each module are:
  - **Module 1**: Zoning Districts, Rules of Measurement, Land Use Table, Zoning Map
  - **Module 2**: Development Standards (landscaping, parking, signs, lighting, etc.)
  - **Module 3**: Subdivision & Development Plan Standards; Zoning Administration (review processes)
- This document summarizes the purpose and proposed changes to the sections of the Ordinance covered in Module 3. This document provides a high-level overview.
- The full modules are all available for review. Please visit CvillePlansTogether.com for the latest information about the zoning rewrite, including responses to frequently-asked questions (FAQs).

Sections of the Current Zoning and Proposed Zoning Ordinance

- Each module includes one or more sections (also called "Articles") of the Zoning Ordinance.
- The table below shows the outline of the current zoning ordinance (Chapter 34 of the Charlottesville Code of Ordinances) on the left and the proposed format for the new zoning ordinance on the right.
- Once the new zoning is adopted, it will replace the current zoning in Chapter 34.

Current Zoning Outline	Draft Proposed Zoning Outline
Chapter 34 of the Charlottesville Code of Ordinances: Zoning (Existing Code) • Article I. Administration • Article II. Overlay Districts • Article III. Residential Zoning Districts • Article IV. Commercial Districts • Article V. Planned Unit Development Districts • Article VI. Mixed Use Corridor Districts • Article VII. Site Plans • Article VIII. Improvements Required for Developments • Article IX. Generally Applicable Regulations • Article X. Definitions	Chapter 34 of the Charlottesville Code of Ordinances: Zoning (Update) • Article 1. Introductory Provisions • Article 2. Zoning Districts • Article 3. Use Regulations • Article 4. Development Standards • Article 5. Subdivision and Development Plan Standards • Article 6. Administration • Article 7. General Rules and Definitions [Note that this outline has been update since the release of Module 2]

Overview & Relationship to Current Zoning

- This Module includes the proposed Articles 5 and 6 for the new zoning ordinance.
- In the current Charlottesville Code of Ordinances, related topics are covered in Chapter 29 (Subdivison) and throughout Chapter 34 (Zoning).

Purpose

- **Article 5 ("Subdivision and Development Plan Standards")** lays out requirements for site planning, for both sites that involve subdivision and those that do not.
- **Article 6 ("Administration")** lays out the processes for applying the rules in the ordinance. This includes common review procedures for zoning decisions such as development plan reviews, text amendments, rezonings, or variances. It also provides rules for nonconformities and enforcement of the code. (See the table on the following page for a summary of review authorities.)

Applicability Table (Article 5)

		PROJECT TYPE							
STANDARDS		Subdivision	New Construction	Addition	Site Modification	Facade Modification	Change of Use	Renovation	Maintenance and Repair
Subdivision	Sec. XX.XX	●	○	○	○	○	○	○	○
Blocks and Access	Sec. XX.XX	●	●	○	●	○	○	○	○
Streets	Sec. XX.XX	●	●	○	●	○	○	○	○
Utilities	Sec. XX.XX	●	●	○	●	○	○	○	○
Fees and Dedications	Sec. XX.XX	●	●	○	●	○	○	○	○

KEY: ● = Standards generally apply ○ = Standards do not apply

Major Proposed Changes

- **Article 5 ("Subdivision and Development Plan Standards")**
  - **Combines Standards**: Now includes standards for both Development Plans and Subdivisions. These were previously contained in separate Articles within the Code of Ordinances. Everything for site planning is now in one place, whether the project is subdivided or single ownership. This includes some standards that were previously housed in Module 2, related to blocks, site access, and streets.
- **Article 6 ("Administration")**
  - **Entrance Corridors**: Review for compliance with Design Guidelines will be administrative, with an ability to appeal to the Planning Commission.
  - **Development Plan instead of Site Plan**: All additions and new construction have to go through Development Plan review, which is a zoning compliance check at the conceptual plan level. Then the developer can apply for engineering and building permits (stormwater, land disturbance, building, etc.)
  - **Tree Removal Permit**: Addition of this permit ensures compliance with min. tree canopy requirements.
  - **Administrative Modification**: Zoning Administrator can allow 10% modification to most dimensional requirements in the code for sites with unique challenges. This cannot be applied to standards such as density, height, development bonuses, or use standards.
  - **Public Process**: Requirements for community meetings and public hearings in relation to development proposals are set according to state law – extra meeting requirements are removed.

Related Topics not Covered in the Proposed Zoning Rewrite

- Draft zoning update does not modify any existing design guidelines (for example: Entrance Corridors, historic districts).
- Processes related to building and stormwater permits are not covered in Chapter 34. Building permits are contained in Chapter 5 and processes related to stormwater permits are contained in Chapter 10.

Table Summarizing Review Authority (Article 6)

APPROVAL PROCESSES		REVIEW AND APPROVAL AUTHORITY						PUBLIC NOTICE			
		Zoning Administrator	Subdivision Administrator	Board of Architectural Review	Board of Zoning Appeals	Planning Commission	City Council	Mailed	Published	Posted	Website
Comprehensive Plan Review											
Comprehensive Plan Adoption	*Sec. XX.XX*	R				R-PH	D-PH		Y		Y
Comprehensive Plan Amendment	*Sec. XX.XX*	R				R-PH	D-PH		Y		
Review of Public Facilities	*Sec. XX.XX*	R				D	A				
Zoning Amendment	*Sec. XX.XX*										
Zoning Text Amendment		R				R-PH	D-PH		Y		
Zoning Map Amendment (Rezoning)											
1 to 25 parcels		R				R-PH	D-PH	Y	Y	Y	
More than 25 parcels		R				R-PH	D-PH		Y		
Historic Review											
Minor Historic Review	*Sec. XX.XX*	D		A							
Major Historic Review	*Sec. XX.XX*	R		D			A		Y	Y	
Corridor Review	*Sec. XX.XX*	D				A					
Development and Subdivision Review											
Development Plan	*Sec. XX.XX*	D				A					
Minor Subdivision	*Sec. XX.XX*		D			A					
Major Subdivision	*Sec. XX.XX*										
Preliminary Plat			R			D					
Final Plat			D			A					
Permit Review	*Sec. XX.XX*										
Tree Removal Permit		D			A-PH				Y*		
Floodplain Permit		D			A-PH				Y*		
Sign Permit		D			A-PH				Y*		
Temporary Use Permit		D			A-PH				Y*		
Relief											
Administrative Modification	*Sec. XX.XX*	D			A-PH			Y	Y*		
Variance	*Sec. XX.XX*	R			D-PH			Y	Y	Y	
Floodplain Variance	*Sec. XX.XX*	R			D-PH			Y	Y	Y	
Special Use Permit	*Sec. XX.XX*	R				R-PH	D-PH	Y	Y	Y	
Critical Slopes Special Exception	*Sec. XX.XX*	R				R-PM	D-PM	Y			Y

KEY: R = Review / Recommend D = Final Decision -PH = Public Hearing -PM = Public Meeting A = Appeal
Y = Required Notice Y* = Required Notice for Appeals